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January 20, 2016

VIA CM/ECF AND ELECTRONIC MAIL

The Honorable Richard J. Sullivan  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 2104  
New York, New York 10007  
E-mail: SullivanNYSDChambers@nysd.uscourts.gov

Re: Gucci America, Inc., et al. v. Weixing Li, et al., No. 2010 Civ. 4974 (RJS)

Dear Judge Sullivan:

Pursuant to this Court's request, I write on behalf of Plaintiffs regarding Bank of China's ("BOC") production of documents today that "BOC believes, following a reasonable search ... contains all non-privileged documents responsive to" Plaintiffs' 2010 and 2011 subpoenas ("Subpoenas"). Letter from L. Hall, Jan. 20, 2016.

Plaintiffs today received from BOC a link to a secure site that appears to host a production of approximately 5,400 files, totaling roughly 7,200 pages, which are in the process of being downloaded. Plaintiffs are not yet in a position to comment on whether BOC has substantially complied with this Court's order, and will provide an update to the Court as soon as possible once we have had an opportunity to translate and review these Chinese-language documents.

In addition, BOC has indicated that it may have withheld otherwise responsive documents on privilege grounds. *See, e.g.*, ECF 192 ("BOC has collected and intends to produce ... all *non-privileged* documents responsive to the Subpoenas ...." (emphasis added)); ECF 194 ("BOC has delivered to plaintiffs' counsel all *non-privileged* documents responsive to the Subpoenas ...." (emphasis added)). BOC has not yet disclosed the nature of any documents over which it purports to assert privilege or the basis of that assertion. Moreover, Plaintiffs reserve the right to take the position that BOC has waived any privilege claims over documents responsive to the Subpoenas due to its failure to assert those privileges and provide a privilege log in a timely manner. *See* Fed. R. Civ. P. 45(e)(2)(A); S.D.N.Y. Local Civ. R. 26.2(b). Plaintiffs believe the proper course would be to report back to the Court on all of these issues once Plaintiffs have reviewed the production and any privilege log BOC intends to produce.

GIBSON DUNN

The Honorable Richard J. Sullivan  
January 20, 2016  
Page 2

Respectfully submitted,

*/s/ Robert L. Weigel*

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Counsel to Plaintiffs

cc: Counsel to Bank of China